Los Angeles County Sheriff's Department
Supervisor's Report on Use of Force

Incident Information

URN: 4 0 8 - 1 2 5 3 5 - 0 2 7 8 - 1 5 1 | Date: 9/24/08 | Time: 1500

Location: [redacted] S. Record Avenue | City or Station: East Los Angeles

Bureau/Station/Facility: East Los Angeles / O.S.S. | Admin. Investigation: YES ☒ NO ☐

Type of Force: Significant Force- Take down- Personal weapons

Deputy Injury: YES ☒ NO ☐ | Suspect Injury YES ☒ NO ☐

☐ Call | ☒ Observation | ☐ Detail | ☐ Foot Pursuit | ☐ Vehicle Pursuit

IAB Notified: YES ☒ NO ☐ | Person Notified: Scott Hill | Emp: [redacted] | IAB Roll Out: YES ☒ NO ☐

Involved Employee

E1

Employee #	Last Name	First Name	Middle Name
[redacted]	Aguirre	Eduardo	

Sex: ☒ Male ☐ Female | Race: H | Unit of Assignment: East Los Angeles / O.S.S. | Work Assignment (Unit #, Module, etc.): O.S.S.

Shift: ☐ EM ☒ Day ☐ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age: [redacted] | Height: 6'-0" | Weight: 195

☒ Injured ☐ Treated ☐ Admitted | Hospital: | Coroner Case #: | Directed Force ☐ | Significant Force ☒

E2

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	

Sex: ☒ Male ☐ Female | Race: H | Unit of Assignment: East Los Angeles / O.S.S. | Work Assignment (Unit #, Module, etc.): O.S.S.

Shift: ☐ EM ☒ Day ☐ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age: [redacted] | Height: 6'-0" | Weight: 180

☐ Injured ☐ Treated ☐ Admitted | Hospital: | Coroner Case #: | Directed Force ☐ | Significant Force ☒

E3

Employee #	Last Name	First Name	Middle Name
[redacted]	Lopez	Carlos	

Sex: ☒ Male ☐ Female | Race: H | Unit of Assignment: East Los Angeles / O.S.S. | Work Assignment (Unit #, Module, etc.): O.S.S.

Shift: ☐ EM ☒ Day ☐ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age: [redacted] | Height: 5-7" | Weight: 185

☒ Injured ☐ Treated ☐ Admitted | Hospital: | Coroner Case #: | Directed Force ☐ | Significant Force ☒

☐ **Additional Involved Employees**

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Batanero	Daniel		Sgt	YES ☒ NO ☐	YES ☒ NO ☐
					YES ☐ NO ☐	YES ☐ NO ☐

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name

Watch Commander

Emp. #	Last Name	First Name	Middle Name

Watch Commander (**Print Name**) | Watch Commander's **Signature**: | Emp #: | Date

Sgt. [redacted] | [redacted]

Supervisor Completing Form: (**Print Name**) | Emp #: | Copy Provided to Employee by: | Emp #:

Unit Commander (**Print Name**) | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only

FO#

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 07/08)

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE - Continuation
408 - 12535 - 0278 - 151

Involved Employee

E 4

Employee #	Last Name	First Name	Middle Name
[redacted]	Anda	Lorraine	

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☒ Female	H	East Los Angeles / O.S.S.	O.S.S.

Shift:		Age:	Height:	Weight:
☐ EM ☒ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	5'-2"	105

	Hospital:	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted			Directed Force ☐ Significant Force ☒

E 5

Employee #	Last Name	First Name	Middle Name
[redacted]	Cardoza	Rick	

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☒ Male ☐ Female	H	East Los Angeles / O.S.S.	O.S.S.

Shift:		Age:	Height:	Weight:
☐ EM ☒ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	6'02"	225

	Hospital:	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted			Directed Force ☐ Significant Force ☒

E__

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☐ Female			

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

	Hospital:	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted			Directed Force ☐ Significant Force ☐

E__

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☐ Female			

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

	Hospital:	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted			Directed Force ☐ Significant Force ☐

E__

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☐ Female			

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

	Hospital:	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted			Directed Force ☐ Significant Force ☐

Supervisor's Report on Use of Force
SUSPECT INFORMATION
408 - 12535 - 0278 - 151

Suspect Information

S 1

Last Name: Rodriguez | First Name: Abel | Middle Name: Alvaro

AKA Last Name: | First Name: "Night Owl" | Middle Name:

Sex: [X] Male [ ] Female | Race: H | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: [redacted] | Home Phone: [redacted] | Age: 22 | Height: 5-09" | D.O.B. 02-05-86 | Weight: 185 | Armed? [X]

Booking #: 1636114 | Primary Charge Code: 12021(a) (1) PC | Secondary Charge Code: | Criminal History [redacted]

EMT in attendance? [X] YES [ ] NO Name: LA CO. #3 | Unit: Squad #50 | Phone #: 323-881-2455

Hospital Admission? [X] | Rec'd Treatment At: Doctor's Hospital | Coroner Case #: | Mental History [ ]

By Doctor: Yaser Khileh | Address: 4600 E. Whittier Bl., Los Angeles, Ca. 90023 | Phone #: 323-268-5514

Under Influence: [ ] YES [X] NO | Substance: | Mental Illness [ ]

Suspect Interview

Date: 09-24-08 | Time: 1500 | [ ] Audiotape: | [X] Videotape: | [X] Photos of Injuries: | [ ] ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: [ ] Male [ ] Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? [ ]

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History [ ]

EMT in attendance? [ ] YES [ ] NO Name: | Unit: | Phone #:

Hospital Admission? [ ] | Rec'd Treatment At: | Coroner Case #: | Mental History [ ]

By Doctor: | Address: | Phone #:

Under Influence: [ ] YES [ ] NO | Substance: | Mental Illness: [ ]

Suspect Interview

Date: | Time: | [ ] Audiotape: | [ ] Videotape: | [ ] Photos of Injuries: | [ ] ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: [ ] Male [ ] Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? [ ]

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History [ ]

EMT in attendance? [ ] YES [ ] NO Name: | Unit: | Phone #:

Hospital Admission? [ ] | Rec'd Treatment At: | Coroner Case #: | Mental History [ ]

By Doctor: | Address: | Phone #:

Under Influence: [ ] YES [ ] NO | Substance: | Mental Illness [ ]

Suspect Interview

Date: | Time: | [ ] Audiotape: | [ ] Videotape: | [ ] Photos of Injuries: | [ ] ADMITS HEARING ANNOUNCEMENTS

[ ] **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION
408 - 12535 - 0278 - 151

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Ortiz	Michael	
[redacted]	Hailey	Richard	
[redacted]	Batanero	Daniel	
[redacted]	Valdez	Jorge	

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.

☐ Additional Witness

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Rodriguez	S#1	Aguirre	E#1	RS	AB, FR	FA,AR,LE
Aguirre	E#1	Rodriguez	S#1	TD	NN	NN
[redacted]	E#2	Rodriguez	S#1	CT	NN	NN
Lopez	E#3	Rodriguez	S#1	CT,PH	AB,FR	FA,AR,LE
Anda	E#4	Rodriguez	S#1	CT,TD,PK	AB,FR	FA,AR,LE
Cardoza	E#5	Rodriguez	S#1	CT,TD,PK	AB,FR	FA,AR,LE

INVESTIGATIVE NARRATIVE

INVESTIGATIVE NARRATIVE
USE OF FORCE
EAST LOS ANGELES
OPERATION SAFE STREETS

TYPE: Significant Force

I.A.B. File Number: FO2229257
URN: 008-12535-0278-151

DATE / DAY / TIME: September 24, 2008 / Wednesday / 1350 hours

LOCATION: [redacted]

On September 24, 2008, at approximately 1500 hours, Operation Safe Street (OSS) deputies responded to [redacted] to arrest Suspect Abel Rodriguez. Suspect Rodriguez had been identified as a murder suspect for a murder that had occurred on 04-19-08, under LASD URN #008-05336-0278-011.

With the assistance of East Los Angeles units and Gang Enforcement Team members, a containment was established of the location. During the containment, a vehicle pulled into the driveway of the residence. OSS Detectives [redacted] and Carlos Lopez contacted the occupants of the vehicle. During this time, Suspect Rodriguez exited the rear of the residence holding a blue steel handgun. Suspect Rodriguez ran northbound between Bonnie Beach Place and Record Avenue. Upon reaching [redacted] S. Record Avenue, Operation Safe Streets Detective Eddie Aguirre saw Suspect Rodriguez standing on a brick wall and he appeared to be looking for another avenue of escape. East Los Angeles Sergeant Michael Ortiz gave Suspect Rodriguez verbal commands to show his hands and to give up. Gang Enforcement Deputy Rick Cardoza and OSS Detective Aguirre could hear the verbal commands but Suspect Rodriguez ignored all the verbal commands. Detective Aguirre grabbed Suspect Rodriguez's shirt collar in an attempt to prevent him from fleeing. Both Detective Aguirre and Suspect Rodriguez fell onto the roof of a aluminum storage shed, which was located at [redacted]. Detectives [redacted], Lopez, and Aguirre and Deputies Anda and Cardoza attempted to subdue the suspect but he continued to fight by kicking at the deputies. Suspect Rodriguez placed his hands under his body

despite the verbal commands to show his hands. The deputy personnel used their personal weapons (hands, knees, kicks) to overcome the suspect's resistance to eventually handcuff him.

Detective Aguirre reported that he conducted a control-take down by pulling the suspect's t-shirt collar which caused him to fall onto the aluminum shed.

Deputy Cardoza reported the following uses of force: punching the suspect in the face three times with his right fist, punching the suspect's upper torso four times with his right fist and kneeing the suspect's right upper torso twice.

Detective Lopez reported that he punched the suspect's face and upper torso approximately seven times with his fist.

Deputy Anda reported the following uses of force: kicked the suspect's lower left torso once, dropped her right knee on the suspect's lower left abdomen, and applied pressure to the bottom of the suspect's legs in an attempt to restrain him.

Detective [redacted] used pressure from his right knee to force the suspect's legs down.

OSS Sergeant Daniel Batanero witnessed the force used by the deputies. ELA Sergeants Michael Ortiz and Richard Hailey witnessed portions of the uses of force.

The narrative of this incident is based on information obtained from crime and supplemental reports and interviews of involved employees and witnesses.

The incident Report is **Exhibit A,** the supplementary reports are **Exhibit B,** and the photographs of the location are **Exhibit C.** The photographs of the suspect's injuries are **Exhibit D.**

INVOLVED PERSONNEL:

Aguirre, Eddie, Detective, Employee #[redacted]
Operation Safe Streets MH/[redacted] 6'00"/195lbs.

EMPLOYEE'S WORK HISTORY:



Date of Employment: [redacted]
Prior Founded Force Incidents: [redacted]

Cardoza, Rick, Deputy Sheriff, Employee #[redacted]
Operation Safe Streets MH/[redacted] 6'02"/225lbs.

EMPLOYEE'S WORK HISTORY:

Date of Employment: 01-07-1998
Prior Founded Force Incidents: [redacted]

Anda, Lorraine, Deputy Sheriff, Employee #[redacted]
Operation Safe Streets FH/[redacted] 5'02"/105lbs.

EMPLOYEE'S WORK HISTORY:

Date of Employment: 05-11-2000
Prior Founded Force Incidents: [redacted]

Lopez, Carlos, Deputy Sheriff, Employee #[redacted]
Operation Safe Streets MH/[redacted] 5'07"/185lbs.

EMPLOYEE'S WORK HISTORY

Date of Employment: 05-31-1995
Prior Founded Force Incidents: [redacted]

[redacted], Deputy Sheriff, Employee #[redacted]
Operation Safe Streets MH/[redacted] 6'00"/180lbs.

EMPLOYEE'S WORK HISTORY:

Date of Employment: [redacted]
Prior Founded Force Incidents: [redacted]

INVOLVED SUSPECT (S):

Rodriguez, Abel, MH/22, Booking #1636114**,** DOB: 02-05-1986
[redacted]
Booking Charges: 12021(a)(2) PC, 12301 (a) (2)P.C., 12031 (a)(2) PC
CII: [redacted] FBI: [redacted]

Involved Suspect Criminal History:
Suspect Rodriguez's [redacted].

I.A.B. Note: CCHRS printout included in this review, Refer to **Exhibit E.**

EMPLOYEE WITNESSES:

Batanero, Daniel, Sergeant, Employee #[redacted]
Operation Safe Streets

Ortiz, Michael, Sergeant, Employee #[redacted]
East Los Angeles Station

Hailey, Richard, Sergeant, Employee #[redacted]
East Los Angeles Station

Valdez, Jorge. Detective, Employee #[redacted]
Commercial Crimes Bureau

NON-DEPARTMENT WITNESSES:

None

INVOLVED EMPLOYEE STATEMENTS:

Detective Eddie Aguirre, #[redacted], was interviewed on September 26, 2008, at approximately 1128 hours, by Sergeant's Jack Ramirez and Al Maldonado of the Internal Affairs Bureau. The interview took place at the East Los Angeles Operation Safe Streets office and was digitally recorded. Detective Aguirre is assigned to Operation Safe Streets Bureau (OSS) at East Los Angeles Station.

Detective Aguirre knew Suspect Abel Rodriguez was identified as a murder suspect and he was also a suspect in a case he was investigating where he eluded ELA deputies after he was seen holding a firearm, URN 008-09246-0278-151. **(Refer to Exhibit F).**

Detective Aguirre had received information Abel Rodriguez would visit his [redacted]'s house which is located at [redacted] between the hours of 1200 and 1300 hours. On September 24, 2008, he contacted OSS Sergeant Daniel Batanero and his team members regarding the information he had received. They devised a plan to set up a containment of the area prior to responding to the location. Upon arriving at the location, Detectives Carlos Lopez and [redacted] contacted occupants of a vehicle that pulled into the driveway at the location. Detective Flores saw Abel Rodriguez exited the rear door of the residence and was holding a hand gun. Suspect Rodriguez ran northbound between homes on Record Avenue and Bonnie Beach Place. Detective Aguirre went to [redacted] S. Record Avenue and saw the suspect standing on a brick wall. Detective Aguirre climbed the brick wall and grabbed the

back of suspect's t-shirt and pulled him toward him. They both fell onto a shed and assisting deputies come to his aid.

Detective Aguirre saw that the suspect was pulled down from the shed and he continued to struggle and kick at the deputies. Once the suspect was on the ground he landed on his stomach and he kept his hands under his body. Verbal commands were given by the deputies but the suspect refused all commands. He saw Deputy Cardoza strike the suspect's lower body, Detective Lopez struck the suspect's face a few times, and he saw Detective [redacted] holding the suspect's arms and eventually handcuffing him.

Detective Aguirre stated he observed Abel Rodriguez to have abrasions to his knees, legs, hands, arms, and face. He stated Sergeant Batanero requested paramedics for the suspect's injuries.

> **I.A.B. Note:** Refer to Detective Aguirre's transcribed copy of his interview and the recorded interview under Job #24539.

Detective Carlos Lopez, #[redacted], was interviewed on May 27, 2009, at approximately 1143 hours, by Sergeant's Jack Ramirez and [redacted] of the Internal Affairs Bureau. The interview took place at Internal Affairs Bureau in room B and was digitally recorded. Detective Lopez is assigned to Operation Safe Streets Bureau (OSS).

On September 24, 2008, Detective Lopez stated he and his partner, Detective [redacted], were asked by Detective Aguirre to assist in the containment of a location for a homicide suspect. Upon arriving at the location, they took a position at the rear. He saw Abel Rodriguez run out the rear of the location. He initiated radio traffic regarding the suspect running. He paralleled the suspect's flight on the street and saw Deputies Anda and Cardoza at the rear of a yard. He saw the suspect on a shed, which had caved in, and he (suspect) was kicking at Deputy Anda and Cardoza. Detective Lopez grabbed on to the suspect's waistband area. Detective Lopez stated the suspect either punched or slapped him striking his wrist. Detective Lopez punched the suspect approximately five times in the face, and several more times in the head and upper torso. He stated that he assumed the injuries the suspect received to his face were sustained during the fight.

> **I.A.B. Note:** Refer to Detective Lopez's transcribed copy of his interview and the recorded interview under Job #26441.

Detective [redacted], #[redacted], was interviewed on May 27, 2009, at 1130 hours by Sergeant's Jack Ramirez and [redacted] of the Internal Affairs Bureau. The interview took place at Internal Affairs Bureau in room B and was digitally recorded.

Detective [redacted] is assigned to Operation Safe Streets Bureau (OSS), as a detective assigned to East Los Angeles. On September 24, 2008, Detective Aguirre asked him and his partner, to assist in containing the area for Abel Rodriguez. Upon arriving at the location, he saw a truck pull into a driveway which he thought was the suspect's residence, but he later learned the driveway was shared by two locations. He saw the suspect exit the rear door of the location running with a gun and he yelled out to his partner and told him the suspect was armed. He also yelled out to the suspect to stop running. Detective [redacted] stated his partner advised the assisting units that the suspect was armed, and that he was running in a northbound direction.

Detective [redacted] went back to his patrol car and drove to approximately [redacted] S. Record Avenue. He heard a loud crashing sound and saw the deputies struggling with the suspect in the rear yard of the location. He heard the verbal commands, "Stop fighting." The suspect attempted to kick at him but he was able to push and force the suspect's leg down with his right knee onto the ground until he was handcuffed.

He observed Deputy Cardoza and Detective Lopez punch the suspect in the upper torso several times during the fight.

> **I.A.B. Note:** Refer to Detective [redacted] transcribed copy of his interview and the recorded interview under Job #26441.

Deputy Rick Cardoza, [redacted], was interviewed on May 27, 2009, at approximately 1106 hours, by Sergeant's Jack Ramirez and [redacted] of the Internal Affairs Bureau. The interview took place at Internal Affairs Bureau in room B and was digitally recorded.

Deputy Cardoza is assigned to Operation Safe Streets Bureau (OSS), the Gang Enforcement Team, (G.E.T.). On September 24, 2008, he was working with a partner, Deputy Anda. They were briefed by his Sergeant, Sergeant Salinas, that they were going to assist O.S.S. detectives on a search warrant or some type of warrant service.

Deputy Cardoza and his partner, Deputy Anda were at their containment spot when they heard a request for assistance on their radio. The radio traffic indicated that the suspect was running from the location and he was located on a rooftop. They drove to [redacted] S. Record Avenue and he heard "some type of aluminum can or something moving about in the rear yard." He heard verbal commands being given to the suspect to "give up." He walked to the rear and saw the suspect standing on the roof of a shed. He saw the suspect fall on the roof on his back and the roof gave way.

Deputy Cardoza attempted to grab the suspect's legs in an attempt to take him into custody. The suspect started to kick at him. Deputy Cardoza pulled the suspect's right leg and Deputy Anda grabbed the other leg and they pulled him off the shed. The

suspect fell onto the ground striking his buttocks on the ground and striking the back of his head on the cinder block wall.

Deputy Cardoza released his hold on the suspect's leg to re-position himself, and the suspect started to flail his arms and continued to fight. The suspect threw an elbow at him. He punched the suspect three times in the face, and the strikes had no effect on him. The suspect still tried to get up and was still combative. He punched the suspect four times in the upper torso, and he continued to struggle. Verbal commands telling him to stop resisting were being ignored. He kneed the suspect's right upper torso area twice. At this time the suspect no longer was combative and he was handcuffed without further incident.

Deputy Cardoza stated he only observed Deputy Anda using force when she pulled the suspect off the wall.

I.A.B. Note: Refer to Deputy Cardoza's transcribed interview and the recorded interview under Job #26441.

Deputy Lorraine Anda, was interviewed on May 27, 2009, at approximately 1043 hours, by Sergeant's Jack Ramirez and [redacted] of the Internal Affairs Bureau. The interview took place at Internal Affairs Bureau in room B and was digitally recorded.

Deputy Anda is assigned to Operation Safe Streets Bureau (OSS), the Gang Enforcement Team, (G.E.T.). On September 24, 2008, she was working with her partner, Deputy Cardoza. They were assisting on a containment position when she heard emergent radio traffic regarding the suspect running northbound on roof tops on Record Avenue. They drove northbound on Herbert Avenue to eastbound Olympic Boulevard to southbound Record Avenue in an attempt to catch the suspect. As they got out of their car she could hear noises, "like aluminum crackling noises" coming from the rear of a location. She saw the suspect sitting on top of a shed that appeared to be caved in. The suspect kicked at Deputy Cardoza. She grabbed the suspect's leg and the suspect fell to the ground. She did not remember if she or Deputy Cardoza pulled him off the shed. When the suspect was on the ground, he started to swing at her. She stated she kicked the suspect's upper torso and she told the suspect to "stop fighting." She stated she kneed the suspect's upper torso, and he continued to kick. The suspect flattened himself on the ground and continued to kick at them. She was able to sit on his legs and shortly thereafter the suspect was handcuffed.

I.A.B. Note: Refer to Deputy Anda's transcribed copy of her interview and the recorded interview under Job #26441.

SUSPECT'S STATEMENTS:

Suspect Rodriguez was uncooperative and refused to speak to OSS Sergeant Daniel Batanero at the scene. Gang Enforcement Team (GET) Sergeant Alejandro Salinas #[redacted] was present and video taped the interview. Refer to video interview as **Exhibit G.**

East Los Angeles Watch Commander Lieutenant Jeff Adams #[redacted] attempted to interview Suspect Abel Rodriguez at the East Los Angeles Station Jail on Wednesday, September 24, 2008 at approximately 1900 hours.

Suspect Rodriguez refused to answer questions regarding his injuries. He stated he did not remember how he was injured. Suspect Rodriguez's only complaint of pain was to the left side of his upper torso.

Lieutenant Adams observed the suspect's injuries (abrasions to his legs, to his back, face and head area, and cuts to his hands and wrists). The interview was videotaped by GET Sergeant Alejandro Salinas, refer to video of interview as **Exhibit H**.

DEPARTMENT WITNESS STATEMENTS:

Sergeant Daniel Batanero, #[redacted], was interviewed on September 26, 2008, at approximately 1128 hours, by Sergeant's Jack Ramirez and Al Maldonado of the Internal Affairs Bureau. The interview took place at the East Los Angeles Operation Safe Streets Office and was digitally recorded. The following is a summary of the interview.

Sergeant Batanero is assigned to Operation Safe Streets as the team sergeant assigned to the East Los Angeles Station. On September 24, 2008, Detective Aguirre was working on gathering information on a murder suspect by the name of Abel Rodriguez. Detective Aguirre received information the suspect was at a residence located at [redacted], in Los Angeles. They set up a containment of the location in preparation for a parole search of the location, when a black vehicle pulled into the driveway of the location. He did not know if the vehicle was conducting counter surveillance on their units so they approached the residence and the suspect ran from the rear of the location.

Sergeant Batanero provided the suspect description and direction of travel via the sheriff's radio. He also provided information regarding the suspect possibly being armed. He saw the suspect reach [redacted] S. Record Avenue and saw Detective Aguirre grab the back of the suspect's t-shirt and they both fell onto a tin shed.

Sergeant Batanero ordered the suspect to stop fighting several times but the suspect refused. He saw Deputies Cardoza and Anda grab the suspect's legs and the suspect either slid down from the shed or fell to the rear yard of the location.

Sergeant Batanero witnessed the folllowing uses of force by deputy personnel :

Deputy Aguirre used a take down technique by pulling on the suspect's t-shirt.
Deputy Cardoza punched the suspect three to four times in the face.
Deputy Lopez punched the suspect's face four to five times.
Deputy Anda kneed the suspect once on the left side of his stomach.

The suspect was then handcuffed and placed into the patrol car, he then requested paramedics for the suspect's injuries. He observed the suspect to have several cuts and abrasions on his face, head, arms, hands, lower legs, on the front of his thigh, and knees. He had swelling to his forehead.

Sergeant Batanero attempted to interview the suspect but he refused to answer all questions. The interview was captured on video tape, refer to video interview as **Exhibit G.**

Sergeant Batanero stated he was unaware the suspect suffered two fractured ribs until the following morning when he received the medical paperwork from the jailer.

I.A.B. Note: Refer to Sergeant Batanero's transcribed copy of his interview and the recorded interview under Job #24540.

Sergeant Michael Ortiz, #[redacted], responded to the [redacted] block of South Record Avenue to assist in a containment of a murder suspect. He heard emergent radio traffic indicating the suspect was armed and running northbound from the location. He saw the suspect jumping from rooftop to rooftop. When Sgt. Ortiz arrived at [redacted] he ordered the suspect to show his hands and to give up.

The suspect jumped onto a metal shed located at the rear yard of [redacted]. He then partially fell through the roof of the shed. Deputy Aguirre also jumped onto the roof of the shed in an attempt to apprehend the suspect. Assisting deputies pulled the suspect into the rear yard of [redacted], and he lost view of the suspect and deputies due to a brick wall when the suspect was taken into custody.

Sergeant Richard Hailey, #[redacted], responded to the [redacted] block of South Record Avenue to assist in a containment of a murder suspect. He was partnered up with Sergeant Michael Ortiz. He heard the radio traffic regarding the suspect running from the location. They arrived at [redacted], they saw the suspect standing on the roof of a house. Sgt. Ortiz ordered the suspect to show his hands and to give up, but the suspect refused to comply.

The suspect jumped onto a roof of a metal shed which then collapsed. He saw the suspect attempting to get away from Detective Aguirre's grasp.

Sgt. Hailey's attention was diverted because he attempted to get an address to advise assisting units of their location. Upon returning the suspect had been taken into custody.

Detective Jorge Valdez, #[redacted], responded to the [redacted] to assist in a containment of a murder suspect. He maintained his position of the containment in front of the residence, after the suspect exited the rear of the house. He believed other suspect's were inside of the location. He did not observe the apprehension of the suspect.

> **I.A.B. Note:** The supplemental reports written by Sergeants Hailey ,Ortiz and Detective Valdez are **Exhibits I**.

NON-DEPARTMENT WITNESS STATEMENTS:

None

SUSPECT'S INJURIES:

Suspect Rodriguez was transported to East Los Angeles Doctors Hospital where he was treated for his injuries. Dr. Khilfeh treated Abel Rodriguez who sustained two fractures to his left rib cage, during the incident. He also suffered abrasions to both of his legs, face, back area, and head area.

DEPUTY INJURIES:

Detective Carlos Lopez suffered a 3" cut on his right wrist, a ½ " cut on his left wrist, and he felt pain to his lower back due to the incident.

Deputy Rick Cardoza suffered a slightly swollen right hand and a slightly swollen right knee due to the incident.

Detective Eddie Aguirre suffered a small cut to his right hand, near his thumb and another small cut to his right index finger.

PHYSICAL EVIDENCE:

Detective [redacted] recovered a blue steel semi-automatic handgun in the rear yard of [redacted]. This is the same area Detective [redacted] saw the suspect running through. No other physical evidence was collected at the scene.

INVESTIGATORS OBSERVATIONS:

Sergeant's Jack Ramirez and Al Maldonado drove to location and photographed the area of the incident.

WEAPONS USED BY DEPUTY PERSONNEL:

Personal weapons, hands, and knees.

WEAPONS USED BY SUSPECTS:

Personal weapons, hands, feet.

PROPERTY DAMAGE:

Sergeant's Jack Ramirez and Al Maldonado drove to location and photographed the area of the incident. They observed the shed that had been damaged during the incident.

CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator: Sergeant Michael Rodriguez, #[redacted], LASD/Homicide
Court: Criminal Courts Building
Charges Filed: 187 P.C., under case #BA346903.

I.A.B. Note: The CCHRS printout has been submitted with the case.

WEATHER CONDITIONS AND LIGHTING CONDITIONS:

The incident occurred during daylight hours. Clear and sunny day.